


FEB 21 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

HAROLD E. STRICKLAND,)	Civil Action No. 7:12cv00005
)	
Plaintiff,)	
)	<u>ORDER ADOPTING REPORT</u>
v.)	<u>& RECOMMENDATION</u>
)	
DR. MARK MILITANA <i>et al.</i> ,)	
)	By: Samuel G. Wilson
Defendants.)	United States District Judge


Harold E. Strickland, a Virginia inmate proceeding *pro se*, filed a motion for preliminary injunctive relief (ECF No. 95) and a motion to amend (ECF No. 152) related to the medical treatment for his Crohn's disease. This action concerns Strickland's medical treatment while he was housed at Mecklenburg Correctional Center and Deep Meadows Correctional Center; during the pendency of this action, Strickland has been transferred to Powhatan Correctional Center, Indian Creek Correctional Center, and most recently, Augusta Correctional Center, located in the Western District of Virginia. Strickland alleges that medical personnel at these institutions failed to provide him with adequate treatment for his Crohn's disease and denied him a "proper" diet to accommodate his medical needs. However, the court notes that since his relocation to Augusta Correctional Center, Strickland's condition is being treated with antibiotics, a stool softener, and a low residue diet supplemented with Boost nutritional drinks.

By previous order, the court referred the matter to United States Magistrate Judge Pamela M. Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge denied Strickland's motion to amend and subsequently filed a report, recommending that the court deny Strickland's motion for preliminary injunctive relief. (ECF No. 156) Strickland filed an objection to the Report and Recommendation, largely reiterating

arguments he made in his earlier pleadings. Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record *de novo* in accordance with § 636(b)(1), the court agrees with the Magistrate Judge's recommendation and concludes that Strickland has failed to demonstrate a likelihood of irreparable harm if injunctive relief is not granted, failed to demonstrate a likelihood of success on the merits, and failed to demonstrate that the entry of a preliminary injunction is appropriate. See Equity in Athletics, Inc. v. Dep't of Educ., 504 F. Supp. 2d 88, 99 (W.D. Va. 2007) (discussing the four factors that support the grant of a preliminary injunction). Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety, and Strickland's motion for preliminary injunctive relief (ECF No. 95) is **DENIED**.

The Clerk of the Court is direction to send a copy of this order to the plaintiff.

ENTER: February 21, 2013.



UNITED STATES DISTRICT JUDGE